

## PA 531

Rule
<p><b>722.112c - (1) - Sec. 2C</b> If a child caring institution contracts with and receives payment from a community mental health services program or prepaid inpatient health plan for the care, treatment, maintenance, and supervision of a minor child in a child caring institution, the child caring institution may place a minor child in personal restraint or seclusion only as provided in this section and sections 2d and 2e but <b>shall not use mechanical restraint or chemical restraint.</b></p>
<p>(2) Not later than 180 days after the effective date of the amendatory act that added this section, <b>a child caring institution shall require its staff to have ongoing education, training, and demonstrated knowledge of all of the following:</b></p>
<p>(a) Techniques to identify minor children's behaviors, events, and environmental factors that may <b>trigger</b> emergency safety situations.</p>
<p>(b) The <b>use of nonphysical intervention skills</b>, such as de-escalation, mediation conflict resolution, active listening, and verbal and observational methods to prevent emergency safety situations.</p>
<p>(c) The <b>safe use of personal restraint or seclusion</b>, including the ability to recognize and respond to signs of physical distress in minor children who are in personal restraint or seclusion or who are being placed in personal restraint or seclusion.</p>
<p>(3) A child caring <b>institution's staff shall be trained in the use of personal restraint and seclusion</b>, shall be knowledgeable of the risks inherent in the implementation of personal restraint and seclusion, and shall <b>demonstrate competency regarding personal restraint or seclusion before participating</b> in the implementation of personal restraint or seclusion. A child caring institution's <b>staff shall demonstrate their competencies in these areas on a semiannual basis</b>. The state agency licensing child caring institutions shall review and determine the acceptability of the child caring institutions' staff education, training, knowledge, and competency requirements required by this subsection and the training and knowledge required of a licensed practitioner in the use of personal restraint and seclusion.</p>
<p><b>722.112d - Sec. 2d. - (1)</b> Personal restraint or seclusion <b>shall not be imposed as a means of coercion, discipline, convenience, or retaliation</b> by a child caring institution's staff.</p>
<p>(2) An order for personal restraint or seclusion shall <b>not be written as a standing order</b> or on an as-needed basis.</p>
<p>(3) Personal restraint or seclusion <b>must not result in harm or injury</b> to the minor child and shall be used <b>only to ensure the minor child's safety or the safety of others</b> during an emergency safety situation. Personal restraint or seclusion shall <b>only be used until the emergency safety situation has ceased</b> and the minor child's safety and the safety of others can be ensured even if the order for personal restraint or seclusion has not expired. Personal restraint and seclusion of a minor child <b>shall not be used simultaneously</b>.</p>
<p>(4) Personal restraint or seclusion shall be performed in a manner that is <b>safe, appropriate, and proportionate</b> to the severity of the minor child's behavior, chronological and developmental age, size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of physical or sexual abuse.</p>
<p>(5) Except as provided in subsection (6), at the time a minor child is admitted to a child caring institution, the child caring institution shall do all of the following:</p>
<p>(a) <b>Inform the minor child and his or her parent or legal guardian of the provider's policy regarding the use of personal restraint or seclusion</b> during an emergency safety situation that may occur while the minor child is under the care of the child caring institution.</p>
<p>(b) <b>Communicate the provider's personal restraint and seclusion policy in a language that the minor child or his or her parent or legal guardian will understand</b>, including American sign language, if appropriate. The provider shall procure an interpreter or translator, if necessary to fulfill the requirement of this subdivision.</p>
<p>(c) <b>Obtain a written acknowledgment from the minor child's parent or legal guardian</b> that he or she has been informed of the provider's policy on the use of personal restraint and seclusion during an emergency safety situation. The child caring institution's staff shall file the acknowledgment in the minor child's records.</p>
<p>(d) <b>Provide a copy of the policy</b> to the minor child's parent or legal guardian.</p>
<p>(6) The child caring institution <b>is not required</b> to inform, communicate, and obtain the written</p>

<p>acknowledgment from a minor child's parent or legal guardian as specified in subsection (5) if the minor child is within the care and supervision of the child caring institution as a result of an order of commitment of the <b>family division of circuit court</b> to a state institution, state agency, or otherwise, <b>and has been adjudicated to be a dependent, neglected, or delinquent</b> under chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, if the minor child's individual case treatment plan indicates that notice would not be in the minor child's best interest.</p>
<p>(7) An order for personal restraint or seclusion shall <b>only be written by a licensed practitioner</b>.</p>
<p>(8) A licensed practitioner shall order the least restrictive emergency safety intervention measure that is most likely to be effective in resolving the emergency safety situation based on consultation with staff.  <b>Consideration of less restrictive emergency safety intervention measures shall be documented</b> in the minor child's record.</p>
<p>(9) If the order for personal restraint or seclusion is <b>verbal</b>, it must be <b>received by</b> a child caring institution staff member who is 1 of the following:</p> <ul style="list-style-type: none"> <li>(a) <b>A licensed practitioner</b>.</li> <li>(b) A <b>social services supervisor</b> as described in R 400.4118 of the Michigan administrative code.</li> <li>(c) A <b>supervisor of direct care workers</b> as described in R 400.4120 of the Michigan administrative code.</li> <li>(d) A <b>practical nurse licensed</b> under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.</li> </ul>
<p>(10) A verbal order must <b>be received while personal restraint or seclusion is being initiated</b> by child caring institution staff or immediately after the emergency safety situation begins. The <b>licensed practitioner shall be available</b> to staff for consultation, at least by telephone, throughout the period of personal restraint or seclusion. The <b>licensed practitioner shall verify the verbal order in signed written form</b> in the minor child's record.</p>
<p>(11) An order for personal restraint or seclusion shall meet both of the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Be limited to <b>no longer than the duration of the emergency</b> safety situation.</li> <li>(b) <b>Not exceed</b> 4 hours for a minor child 18 years of age or older; 2 hours for a minor child 9 to 17 years of age; or 1 hour for a minor child under 9 years of age.</li> </ul>
<p>(12) If <b>more than 2 orders</b> for personal restraint or seclusion are ordered for a minor child within a 24-hour period, the <b>director</b> of the child caring institution or his or her designated management staff <b>shall be notified</b> to determine whether additional measures should be taken to facilitate discontinuation of personal restraint or seclusion.</p>
<p>(13) If personal <b>restraint continues for less than 15 minutes or seclusion continues for less than 30 minutes</b> from the onset of the emergency safety intervention, the child caring institution <b>staff qualified to receive a verbal order for personal restraint or seclusion, in consultation with the licensed practitioner, shall evaluate the minor</b> child's psychological well-being immediately after the minor child is removed from seclusion or personal restraint. Staff shall also evaluate the minor child's physical well being or determine if an evaluation is needed by a licensed practitioner authorized to conduct a face-to-face assessment under subsection (14).</p>
<p>(14) <b>A face-to-face assessment shall be conducted if the personal restraint continues for 15 minutes or more</b> from the onset of the emergency safety intervention <b>or if seclusion continues for 30 minutes or more</b> from the onset of the emergency safety intervention. This face-to-face assessment shall be conducted by a licensed practitioner who is 1 of the following:</p> <ul style="list-style-type: none"> <li>(a) A physician licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.</li> <li>(b) An individual who has been issued a specialty certification as a <b>nurse practitioner</b> under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.</li> <li>(c) A <b>physician's assistant</b> licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.</li> <li>(d) A <b>registered nurse</b> licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.</li> </ul>
<p>(15) The <b>face-to-face assessment shall be conducted within 1 hour of the onset of the emergency safety intervention and immediately after the minor child is removed from personal restraint or seclusion</b>. The face-to-face assessment of the physical and psychological well-being of the minor child shall include, but is not limited to, all of the following:</p> <ul style="list-style-type: none"> <li>(a) The minor child's <b>physical and psychological status</b>.</li> </ul>

(b) The minor child's <b>behavior</b> .
(c) The <b>appropriateness of the intervention</b> measures.
(d) Any <b>complications</b> resulting from the intervention.
<b>722.112e - Sec. 2e</b> (1) A minor child <b>shall be released</b> from personal restraint or seclusion whenever the <b>circumstance</b> that justified the use of personal restraint or seclusion <b>no longer exists</b> .
(2) Each instance of personal restraint or seclusion requires full justification for its use, and the results of the evaluation immediately following the use of personal restraint or seclusion shall be <b>placed in the minor child's record</b> .
(3) Each <b>order for personal restraint</b> or seclusion shall include all of the following:
(a) The name of the licensed practitioner ordering personal restraint or seclusion.
(b) The <b>date and time the order was obtained</b> .
(c) The personal <b>restraint or seclusion ordered</b> , including the <b>length of time</b> for which the licensed practitioner ordered its use.
(4) The child caring institution staff shall <b>document the use of the personal restraint or seclusion in the minor child's record</b> . That documentation shall be completed <b>by the end of the shift</b> in which the personal restraint or seclusion occurred. If the personal restraint or seclusion does not end during the shift in which it began, documentation shall be completed <b>during the shift in which the personal restraint or seclusion ends</b> . Documentation shall include all of the following:
(a) <b>Each order</b> for personal restraint or seclusion.
(b) The <b>time</b> the personal restraint or seclusion actually <b>began and ended</b> .
(c) The <b>time and results of the 1-hour assessment</b> .
(d) The <b>emergency safety situation that required</b> the resident to be personally restrained or secluded.
(e) The <b>name of the staff</b> involved in the personal restraint or seclusion.
(5) The child caring institution staff trained in the use of personal restraint shall <b>continually assess and monitor</b> the physical and psychological well-being of the minor child and the safe use of personal restraint throughout the duration of its implementation.
(6) The child caring institution staff trained in the use of seclusion shall be <b>physically present in or immediately outside the seclusion room</b> , continually assessing, monitoring, and evaluating the physical and psychological well-being of the minor. Video monitoring shall not be exclusively used to meet this requirement.
(7) The child caring institution staff shall ensure <b>that documentation of staff monitoring and observation is entered into the minor child's record</b> .
(8) If the emergency safety intervention continues <b>beyond the time limit of the order</b> for use of personal restraint or seclusion, child caring institution staff authorized to receive verbal orders for personal restraint or seclusion shall <b>immediately contact the licensed practitioner</b> to receive further instructions.
(9) The child caring institution staff shall <b>notify the minor child's parent or legal guardian and the appropriate state or local government agency</b> that has responsibility for the minor child if the minor child is under the supervision of the child caring institution as a result of an order of commitment by the family division of circuit court to a state institution or otherwise as soon as possible after the initiation of personal restraint or seclusion. This notification shall be documented in the minor child's record, including the date and time of the notification, the name of the staff person providing the notification, and the name of the person to whom notification of the incident was reported. The child caring institution is <b>not required to notify</b> the parent or legal guardian as provided in this subsection if the minor child is within the care and supervision of the child caring institution as a <b>result of an order of commitment of the family division of circuit court to a state institution, state agency, or otherwise, and has been adjudged to be dependent, neglected, or delinquent</b> under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, if the minor child's individual case treatment plan indicates that the notice would not be in the minor child's best interest.
(10) Within 24 hours after the use of personal restraint or seclusion, child caring institution staff involved in the emergency safety intervention and the minor child shall have a face-to-face debriefing session. The debriefing shall include all staff involved in the seclusion or personal restraint except if the presence of a particular staff person may jeopardize the well-being of the minor child. Other staff members and the minor child's parent or legal guardian may participate in the debriefing if it is considered appropriate by the child caring institution.
(11) The child caring institution shall conduct a debriefing in a language that is understood by the minor

child. The debriefing shall provide both the minor child and the staff opportunity to discuss the circumstances resulting in the use of personal restraint or seclusion and strategies to be used by staff, the minor child, or others that could prevent the future use of personal restraint or seclusion.
(12) Within 24 hours after the use of personal restraint or seclusion, all child caring institution staff involved in the emergency safety intervention, and appropriate supervisory and administrative staff, shall conduct a debriefing session that includes, at a minimum, all of the following:
(a) Discussion of the emergency safety situation that required personal restraint or seclusion, including a discussion of precipitating factors that led up to the situation.
(b) Alternative techniques that might have prevented the use of personal restraint or seclusion.
(c) The procedures, if any, that child caring institution staff are to implement to prevent a recurrence of the use of personal restraint or seclusion.
(d) The outcome of the emergency safety intervention, including any injury that may have resulted from the use of personal restraint or seclusion.
(13) The child caring institution staff shall document in the minor child's record that both debriefing sessions took place and shall include the names of staff who were present for the debriefings, names of staff that were excused from the debriefings, and changes to the minor child's treatment plan that result from the debriefings.
(14) Each child caring institution subject to this section and sections 2c and 2d shall report each serious occurrence to the state agency licensing the child caring institution. The state agency licensing the child caring institution shall make the reports available to the designated state protection and advocacy system upon request of the designated state protection and advocacy system. Serious occurrences to be reported include a minor child's death, a serious injury to a minor child, and a minor child's suicide attempt. Staff shall report any serious occurrence involving a minor child by no later than close of business of the next business day after a serious occurrence. The report shall include the name of the minor child involved in the serious occurrence, a description of the occurrence, and the name, street address, and telephone number of the child caring institution. The child caring institution shall notify the minor child's parent or legal guardian and the appropriate state or local government agency that has responsibility for the minor child if the minor child is under the supervision of the child caring institution as a result of an order of commitment by the family division of circuit court to a state institution or otherwise as soon as possible and not later than 24 hours after the serious occurrence. Staff shall document in the minor child's record that the serious occurrence was reported to both the state agency licensing the child caring institution and the state-designated protection and advocacy system, including the name of the person to whom notification of the incident was reported. A copy of the report shall be maintained in the minor child's record, as well as in the incident and accident report logs kept by the child caring institution.
(15) Each child caring institution subject to this section and sections 2c and 2d shall maintain a record of the incidences in which personal restraint or seclusion was used for all minor children. The record shall include all of the following information:
(a) Whether personal restraint or seclusion was used.
(b) The setting, unit, or location in which personal restraint or seclusion was used.
(c) Staff who initiated the process.
(d) The duration of each use of personal restraint or seclusion.
(e) The date, time, and day of the week restraint or seclusion was initiated.
(f) Whether injuries were sustained by the minor child or staff.
(g) The age and gender of the minor child.
(16) Each child caring institution subject to this section and sections 2c and 2d shall submit a report annually to the state agency that licenses the child caring institution containing the aggregate data from the record of incidences for each 12-month period as directed by the state licensing agency. The state licensing agency shall prepare reporting forms to be used by the child caring institution, shall aggregate the data collected from each child caring institution, and shall annually report the data to each child caring institution and the state-designated protection and advocacy system.